

Amendment No. 2 to SB0853

Henry  
Signature of Sponsor

**AMEND Senate Bill No. 853**

**House Bill No. 476\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

By deleting all of the language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 7, Part 1, is amended by inserting the following as a new, appropriately designated section thereto:

(a) Truck tractors and semitrailers, as defined in § 55-8-101, shall not use an engine compression braking device unless:

(1) The engine compression braking device is equipped with an operational, approved muffler; or

(2) The driver of a truck tractor or semitrailer reasonably believes a bona fide emergency requires the use of such engine compression braking device to prevent physical injury or property damage.

(b) As used in this section, "approved muffler" means any muffler that complies with Federal Motor Carrier Safety Regulations on noise emissions, 49 CFR 325, *et seq.*

(c) A violation of this section is a Class C misdemeanor.

SECTION 2. Any local or municipal government may request that the department of transportation place signage to effectuate the purposes of this act within its jurisdiction. The erection of such signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices. The department of transportation shall have the authority to develop appropriate signage, sign usage, and manufacture and installation guidelines regarding such signs. The local or municipal government shall remit to the department of transportation the

cost of the manufacture and installation of such signs. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to the local or municipal government paying for such signs within thirty (30) days of the erection of such signs. If the local cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department within thirty (30) days of the local or municipal government receiving an itemized invoice of the actual cost from the department.

SECTION 3. The commissioner of transportation is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2005, the public welfare requiring it.